

Notice of Allowability

Application No.

10/628,379

Examiner

Tina M. Wong

Applicant(s)

OKADA ET AL.

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2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to a Request for Continued Examination received 06 October 2005.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 October 2005 has been entered.

Examiner's Statement Of Reasons For Allowance

Applicant's amendments and arguments filed on 06 October 2005 have been fully considered. Claims 1-5, 8-11, 14-17, 20-22 and 26-29 are therefore allowed with the additional limitations included. Claims 6, 7, 12, 13, 18, 19, 24, 25, 30 and 31 have been previously allowed.

The following is an examiner's statement of reasons for allowance:

In regards to claim 1, the prior art of record fails to disclose or reasonably suggest an optical transmission device comprising a substrate that fixes light guides having light incidence/emission sections and optical elements arranged on the substrate to match the light incidence/emission sections of the light guides, where the light guides and substrate are made of different base materials substantially equal in a coefficient of linear expansion and in a rate of dimensional variation due to water absorption.

In regards to claim 8, the prior art of record fails to disclose or reasonably suggest an optical transmission device comprising a substrate that fixes light guides having light incidence/emission sections and optical elements arranged on the substrate to match the light incidence/emission sections of the light guides, where the light guides and substrate are made of

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different base materials substantially equal in a coefficient of linear expansion and in a water absorption rate.

In regards to claim 14, the prior art of record fails to disclose or reasonably suggest an optical transmission device comprising a substrate that fixes light guides having light incidence/emission sections and optical elements arranged on the substrate to match the light incidence/emission sections of the light guides, where the light guides and substrate are made of different base materials, wherein an extent of a positional lag between the light incidence/emission sections and the optical elements arising from a difference between the light guides and the substrate in a rate of dimensional variation due to water absorption is not more than 300 μm .

In regards to claim 20, the prior art of record fails to disclose or reasonably suggest an optical transmission device comprising a substrate that fixes light guides having light incidence/emission sections and optical elements arranged on the substrate to match the light incidence/emission sections of the light guides, wherein the total differences between the substrate and the light guides in a rate dimensional variation due to linear expansion and the rate of the dimensional variation due to water absorption is not more than one of the claimed percentages where the light guide is one of the claimed sizes.

In regards to claim 26, the prior art of record fails to disclose or reasonably suggest an optical transmission device comprising a substrate that fixes light guides having light incidence/emission sections and optical elements arranged on the substrate to match the light incidence/emission sections of the light guides, wherein the relationship between the substrate and the light guide are not one of the claimed relationships.

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Claims 2-5 are dependant on currently allowed claim 1 and therefore also allowable.

Claims 9-11 are dependant on currently allowed claim 8 and therefore also allowable.

Claims 15-17 are dependant on currently allowed claim 14 and therefore also allowable.

Claims 21-22 are dependant on currently allowed claim 20 and therefore also allowable.

Claims 27-29 are dependant on currently allowed claim 26 and therefore also allowable.

Claims 6, 7, 12, 13, 18, 19, 24, 25, 30 and 31 have been previously allowed. Previously objected claims 6, 7, 12, 13, 18, 19, 24, 25, 30 and 31 have been rewritten in independent form to include all of the limitations of the base claim and any intervening claims and is now in conditions for allowance.

The closest prior art of record in this application is U.S. Patent 6,856,735 to Chang et al relied upon in the previous rejection, mailed 26 July 2005, paper number 072005. More specifically, as discussed in the previous rejection, Chang et al fails to disclose or reasonably suggest a substrate and a light guide with a different base material having all of the different relationships between material properties as claimed by Applicant. Chang et al actually discloses silica and doped silica, which have the same base material.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M. Wong whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


TMW


MICHELLE CONNELLY-CUSHWA
PRIMARY EXAMINER